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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/353,120	07/14/1999	LOUIS F. VILLAROSA JR.	061607-1100	3012

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EXAMINER

KUMAR, PANKAJ

ART UNIT PAPER NUMBER

2631

DATE MAILED: 05/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/353,120

Applicant(s)

VILLAROSA ET AL.

Examiner

Pankaj Kumar

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 5, 9, 10 and 14-26 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/15/2002 with respect to claims 1-4, 6-8, 11-13 and especially amended claims 1, 6, and 11 have been fully considered but they are not persuasive. Applicant's argument that since the two clocks have different frequencies that are not multiples of each other, the two clocks cannot be derived from each other, is unsubstantiated and not supported by the discussion set forth and also by the prior rejection. McMahan clearly teaches, in figure 1, a clock generator (55) deriving a circuit clocking signal from the master clock signal (HS CLK input into 48). This derivation statement is based upon the fact that in figure 1 of McMahan, 55 is controlled by 51 which is controlled by 53 which is controlled by 31 which is controlled by 24 which is controlled by 21 which is controlled by 15 which has HS CLK as its input. Thus the applicant's argument is not convincing to the office and the prior rejections are sustained.
2. Applicant's arguments filed 4/15/2002 with respect to claims 5, 9, 10, 14, 15 have been fully considered and have been found persuasive.

3. *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-4, 6-8, and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by McMahan. For claims 1-4, see prior action and response to arguments for discussion.

6. Regarding claim 6, McMahan et al. shows in figure 1, a circuit for detecting errors in the synchronization of a DTE data signal (McMahan 11) with a DCE clocking signal (McMahan 43 and 55) in a communication environment wherein the DCE interfaces the DTE to a communication channel, the circuit comprising:

- a. Means for producing a master clock signal having a frequency greater than the frequency of the DCE clocking signal (McMahan: At the end of the first full paragraph of column 6, it is implied that the master clock signal is 16 MHz and the DCE clocking signal is 1.544 MHz;)
- b. Means for deriving a circuit clocking signal from said master clocking signal, said circuit clocking signal having the same frequency as the DCE clocking signal. (a clock generator (McMahan 55) deriving a circuit clocking signal from said master clock signal (McMahan HS CLK input to 48), said circuit clocking signal having the same frequency as the DCE clocking signal;)

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c. means for obtaining a first sample of said DTE data signal at a first time (McMahan 15) and a second sample of said DTE data signal at a second time (McMahan 15), said second time being subsequent to said first time, the interval between said first time and said second time being less than the period of the DCE clocking signal. As indicated in the first office action, the interval between the first and second time is $1/(16 \text{ MHz})$, which is less than $1/(1.544 \text{ MHz})$, the period of the DCE clocking signal.

d. means for comparing said first sample to said second sample (McMahan 21)

7. For claims 7-8, see the discussion of claim 6 as well as prior action and response to arguments for discussion.

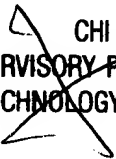
2. Regarding claim 11, McMahan et al. shows in figure 1, a method for detecting errors in the synchronization of a DTE data signal (McMahan 11) with a DCE clocking signal (McMahan 43 and 55) in a communication environment wherein the DCE interfaces the DTE to a communication channel, the method comprising the steps of:

e. producing a master clock signal having a frequency greater than the frequency of the DCE clocking signal (McMahan: At the end of the first full paragraph of column 6, it is implied that the master clock signal is 16 MHz and the DCE clocking signal is 1.544 MHz;)

f. deriving a circuit clocking signal from said master clocking signal, said circuit clocking signal having the same frequency as the DCE clocking signal. (a clock generator (McMahan 55) deriving a circuit clocking signal from said master clock signal (McMahan HS CLK input to 48), said circuit clocking signal having the same frequency as the DCE clocking signal;)

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- g. obtaining a first sample of said DTE data signal at a first time (McMahan 15)
 - h. obtaining a second sample of said DTE data signal at a second time (McMahan 15), said second time being subsequent to said first time, the interval between said first time and said second time being less than the period of the DCE clocking signal. As indicated in the first office action, the interval between the first and second time is $1/(16 \text{ MHz})$, which is less than $1/(1.544 \text{ MHz})$, the period of the DCE clocking signal.
 - i. comparing said first sample to said second sample (McMahan 21)
8. For claims 12-13, see the discussion of claim 11 as well as prior action and response to arguments for discussion.


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9. Allowable Subject Matter

10. Claims 5, 9, 10, 14, 15, 16-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter:

12. The prior art of record does not suggest the respective claim combinations together with: choosing between a regular and inverted clock for the purpose of synchronizing as stated in the claims.

13. Since allowable subject matter has been indicated, applicant is encouraged to submit formal drawings in response to this Office Action. The early submission of formal drawings will permit the Office to review the drawings for acceptability and to resolve any informalities remaining therein before the application is passed to issue. This will avoid possible delays in the issue process.

14. Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

16. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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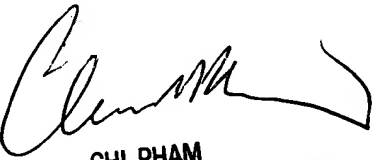
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pankaj Kumar whose telephone number is (703) 305-0194. The examiner can normally be reached on about 9:00 AM to 7:30 PM Monday through Thursday.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (703) 305-4378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

PK
May 15, 2002


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 5/16/02